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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**MOTION OF BROCK SIEBOLD TO CONSOLIDATE RELATED ACTIONS; TO BE
APPOINTED LEAD PLAINTIFF; AND TO APPROVE PROPOSED LEAD
PLAINTIFF'S CHOICE OF COUNSEL**

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|---|---|-----------------------|
| JAMES EDWARDS, JR., Individually And On Behalf of All Others Similarly Situated, |) | |
| |) | |
| Plaintiff, |) | Case: 14-CV-08721-AKH |
| |) | |
| vs. |) | HON. JUDGE ALVIN K. |
| |) | HELLERSTEIN |
| AMERICAN REALTY CAPITAL |) | |
| PROPERTIES, INC., ET AL, |) | |
| |) | |
| Defendants. |) | |
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| BERNEY HARRIS., Individually And On Behalf of All Others Similarly Situated, |) | |
| |) | Case: 14-CV-08740-AKH |
| Plaintiff, |) | |
| |) | |
| vs. |) | HON. JUDGE ALVIN K. |
| |) | HELLERSTEIN |
| AMERICAN REALTY CAPITAL |) | |
| PROPERTIES, INC., ET AL, |) | |
| |) | |
| Defendants. |) | |
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| SIMON ABADI, Individually And On Behalf of All Others Similarly Situated, |) | |
| |) | Case: 14-CV-09006-AKH |
| Plaintiff, |) | |
| |) | |
| vs. |) | HON. JUDGE ALVIN K. |
| |) | HELLERSTEIN |
| AMERICAN REALTY CAPITAL |) | |
| PROPERTIES, INC., ET AL, |) | |
| |) | |
| Defendants. |) | |

Brock Siebold (“Mr. Siebold” or “Movant”) respectfully moves this Court for an order:

(1) consolidating all related actions; (2) appointing Mr. Siebold as Lead Plaintiff in this action pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the “Exchange Act”) (15 U.S.C. §§ 78j and 78t), as amended by the Private Securities Litigation Reform Act of 1995 (“PSLRA”) (15 U.S.C. §§ 78u-4) and Securities and Exchange Commission (“SEC”) Rule 10b-5

promulgated thereunder (17 C.F.R. § 240.10b-5), and (3) approving his selection of the law firm of Kahn Swick & Foti, LLC (“KSF”), as Lead Counsel for the Class.

Mr. Siebold makes this Motion on the belief that he is the most “adequate plaintiff” as defined by the PSLRA because:

1. he has the largest financial interest in the relief sought by the Class, and
2. he satisfies the typicality and adequacy requirements of Fed. R. Civ. P. 23.

Mr. Siebold further requests that the Court approve the selection of his counsel, KSF, as Lead Counsel for the Class. KSF is a nationally-recognized law firm with significant class action, fraud, and complex litigation experience, and is a firm with the resources to effectively and properly pursue this action.

WHEREFORE, for all of the reasons set forth herein and in the Memorandum of Law and the Declaration of Bruce W. Dona in Support of the Motion of Brock Siebold to Consolidate All Related Actions, To Be Appointed Lead Plaintiff, and To Approve Proposed Lead Plaintiff’s Choice of Counsel submitted herewith, Mr. Siebold respectfully requests that this Court: (1) consolidate all above-captioned related actions with the instant case; (2) appoint Mr. Siebold as Lead Plaintiff pursuant to Section 21D(a)(3)(B) of the Exchange Act; (3) approve Mr. Siebold’s selection of Lead Counsel for the Class; and (4) grant such other and further relief as the Court may deem just and proper.

Dated: December 29, 2014

Respectfully submitted,

KAHN SWICK & FOTI, LLC

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*Counsel for Movant Brock Siebold and
Proposed Lead Counsel for the Class*

CERTIFICATE OF SERVICE

I hereby certify that this Motion was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on December 29, 2014.

/s/ Bruce W. Dona
Bruce W. Dona